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IN CLERKS OFFICE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2015 JAN 5 AM 8 58
U.S. DISTRICT COURT
FILED UNDER SEAL DISTRICT OF MASS.

UNITED STATES OF AMERICA)
v.) No. 13-CR-10200-GAO
DZHOKHAR TSARNAEV)

DEFENDANT'S POSITION RE: "CALLED TO SERVE" VIDEO

Defendant, Dzhokhar Tsarnaev, by and through counsel, hereby requests that the Court not utilize the FJC "Called to Serve" video as part of the orientation of prospective jurors in this case.

The central message of the video is that citizens should be prepared and willing to sacrifice their time and energy to render jury service, despite the inconvenience such service often entails, because of the profound importance of the jury to our democratic society. The message and the video are both highly appropriate as introductions to jury service in the vast majority of situations. But in the virtually unprecedented circumstances of this case, the normal reluctance of many citizens to give up their time to serve on a jury is the least of the threats to the fairness and integrity of the proceedings. The greater challenge, in the defense view, will be to identify and remove prospective jurors who are "too eager" to serve because they are motivated by a desire to help ensure a particular outcome or to participate in a very famous case. Beginning the jurors' orientation by emphasizing the civic and even patriotic importance of actually serving on the jury — without any corresponding stress on the importance of honesty and candor on

the part of all prospective jurors — will tend to encourage such biased, agenda-driven jurors to provide false assurances of impartiality by facilitating the rationalization that a juror's civic-minded and patriotic willingness to serve can make up for his or her lack of candor.

The Court's own introductory remarks (and the written instructions included on the jury questionnaire) strike a better balance between the potentially competing goals of encouraging jurors' willingness to serve and encouraging them to acknowledge disqualifying bias. The defendant therefore requests that the Court forgo use of the FJC orientation video in this case.

Respectfully submitted,

DZHOKHAR TSARNAEV

by his attorneys



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Certificate of Service

I hereby certify that this document was served by email on Assistant United States Attorney William Weinreb this 4th day of January, 2015.

